

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARY CLUCK,

Plaintiff,

v.

STATE OF WASHINGTON *et al.*,

Defendants,

Case No. C07-5047RBL

REPORT AND
RECOMMENDATION

**NOTED FOR:
August 3, 2007**

This 42 U.S.C. § 1983 Civil Rights has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4.

Plaintiff filed a complaint that is approximately 260 pages long. The complaint violated Fed. R. Civ. P. 8 (a) (Dkt. # 1). An order to file an amended complaint was filed on February 23, 2007 (Dkt. # 9). That order gave plaintiff until March 30, 2007 to file an amended complaint.

Plaintiff sought and received an extension of time until June 4, 2007 to file the amended complaint (Dkt. # 15) No complaint was filed. By June 8, 2007, the court had not received an amended complaint. An order to show cause was entered (Dkt. # 24). That order gave Ms. Cluck a third and final chance to comply with the court's order and file an amended complaint or show cause why the action should not be

1 dismissed.

2 On July 2, 2007, the court received a response (Dkt. # 25). The response is 47 pagers long with an
3 additional 40 pages of exhibits. Plaintiff makes clear she is attempting to challenge her convictions and fact
4 of confinement in this action along with multiple other claims. See, (Dkt. # 25, pages 1 through 6).

5 Plaintiff has not complied with the court's order to amend. The court recommends the action be
6 **DISMISSED WITH PREJUDICE** for the reasons stated in the order to amend and for failure to comply
7 with the court's prior order to amend and order granting an extension of time. (Dkt. # 9 and 15). Plaintiff
8 has been given three opportunities to comply with the court's order. Instead of complying she demands
9 that her proposed complaint of over 260 pages be served, "as is," or she be given an attorney (Dkt # 25).
10 A proposed order accompanies this Report and Recommendation. This dismissal will count as a strike
11 under 28 U.S.C. 1915 (g).

12 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the
13 parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ.
14 P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v.
15 Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to
16 set the matter for consideration on **August 3, 2007**, as noted in the caption.

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18 DATED this 11 day of July, 2007.

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20 /S/ J. Kelley Arnold
21 J. Kelley Arnold
22 United States Magistrate Judge
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